

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 2805-04  
Bill No.: SCS for SBs 741, 929 & 871  
Subject: Health Dept.; Health Care; Revenue Dept.; Licenses - Driver's; Boards,  
Commissions, Committees, Councils.  
Type: Original  
Date: February 27, 2002

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Highway Funds	\$0	\$0	\$0
Organ Donor Program	(\$37,634)	Unknown	Unknown
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>(\$37,634)</b>	<b>Unknown</b>	<b>Unknown</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 7 pages.

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Insurance, Department of Public Safety - Missouri Highway Patrol, Department of Social Services, Department of Elementary and Secondary Education, Missouri Department of Conservation, Office of the Governor, Missouri Consolidated Health Care Plan, Office of State Treasurer, Office of Attorney General and Department of Economic Development** assume the proposed legislation will not fiscally impact their organizations.

Officials from the **Department of Health and Senior Services (DOH)** stated the Organ Donor Program is in the final stages on testing and implementing Internet access for the authorized users. The costs of the subsequent report would be less than \$1,000 and would be absorbed by the existing organ donor program budget, therefore this legislation would be cost neutral.

The potential increase in voluntary contributions would offset the notable decrease in funding to the Organ Donor Program, which is not currently meeting the annual spending authority. In 1999 and 2000, average monthly income to the Organ Donor Fund was \$34,252. In 2001, the average monthly contributions is \$26,860. All voluntary contributions would be held in the Organ Donor Fund. The annual appropriated spending authority will remain the same.

Officials from the **Department of Highways and Transportation (DHT)** also responded on behalf of the **Missouri Highway Patrol's** medical plan. The DHT officials stated because this legislation does not mandate any medical insurance benefit coverage, there would be no fiscal impact on the MHTC or the Highway and Patrol Medical Plan.

Officials from the **Office of the Secretary of State (SOS)** state this bill creates the Organ Donation Advisory Committee, requirements for hospitals with rules promulgated by the Department of Health and Senior Services, and the Organ Donor Program Fund to be administered by the State Treasury. Based on experience with other divisions, the rules, regulations and forms issued by the Department could require as many as 38 pages in the *Code of State Regulations*. For any given rule, roughly one-half again as many pages are published in the *Missouri Register* as are published in the Code because cost statements, fiscal notes and notices are not published in the Code. The estimated cost of a page in the *Missouri Register* is \$23.00. The estimated cost of a page in the *Code of State Regulations* is \$27.00. The actual costs could be more or less than the numbers given. The fiscal impact of this legislation in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded and withdrawn. The SOS estimates the cost of this legislation to be \$2,337 [(38 pp x \$27) + (57 pp x \$23)].

ASSUMPTION (continued)

**Oversight** assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

Officials from the **Department of Revenue (DOR)** provided the following assumptions related to the proposed legislation:

**ADMINISTRATIVE IMPACT**

**Division of Motor Vehicle and Drivers Licensing**

Information Technology Bureau

This legislation will require program modifications to be made to the overt-the-counter (OTC) driver licensing system in order to modify edits, verification sheet, and create a new screen.

This legislation will also require the Missouri Transportation Accounting System (MTAS) to be modified in order to collect the \$1.00 donation on motor vehicle registrations. A total of 347 overtime hours will be needed to modify the MTAS system.

**FY03**

347	Overtime Hours to Modify the MTAS System
<u>x \$22</u>	Hourly Rate
<b>\$7,634</b>	<b>MTAS Programming</b>
240	Estimated Hours of Over-the-counter Programming
<u>x \$125</u>	Hourly Programming Rate
<b>\$30,000</b>	<b>Total Over-the-counter Programming</b>

To implement this legislation, the DOR will require additional funds. In the past, the programs included in this legislation have been paid for with highway funds. This year, however, highway funds may not be available for this purpose as a result of legislation enacted by the General Assembly in 2000 that limits the use of highway funds.

ASSUMPTION (continued)

This limitation places a cap on the highway funding available to state departments other than the Department of Transportation. The total amount of highway funds appropriated to these other state departments (including the DOR) cannot exceed the total amount of their fiscal year 2001 highway appropriations. This cap limits the highway funds that will be available for the implementation of this legislation.

If highway funds are not available, then another source of funding must be identified to pay for the cost of implementing this legislation.

## REVENUE IMPACT

### **Organ Donor Program Fund**

The impact to this fund is UNKNOWN as the Division of Motor Vehicles and Driver Licensing does not currently collect donations on the motor vehicle application process.

**The proposed legislation will result in an increase in Total State Revenue.**

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
<b>HIGHWAY FUNDS</b>			
<u>Transfer-In</u>			
Transfer from Organ Donor Program Fund for Development and Implementation Costs	\$37,634	\$0	\$0
<u>Costs - Department of Revenue</u>			
Personal Service Costs - Overtime	(\$7,634)		
Programming Costs	<u>(\$30,000)</u>	<u>\$0</u>	<u>\$0</u>
Total <u>Costs</u> - Department of Revenue	<u>(\$37,634)</u>	<u>\$0</u>	<u>\$0</u>
<b>ESTIMATED NET EFFECT ON HIGHWAY FUNDS</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

### **ORGAN DONOR PROGRAM FUND**

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
Donations to Organ Donor Program Fund	\$0	Unknown	Unknown
<u>Transfer-Out</u>			
Transfer to Highway Fund for DOR development and implementation costs	<u>(\$37,634)</u>	<u>\$0</u>	<u>\$0</u>
<b>NET ESTIMATED EFFECT ON ORGAN DONOR PROGRAM FUND</b>	<b><u>(\$37,634)</u></b>	<b><u>Unknown</u></b>	<b><u>Unknown</u></b>
<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

#### FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

#### DESCRIPTION

This act modifies the law relating to organ donation and procurement.

New terms are added to define "donee", "hospital designee", and "OPO" or "organ procurement organizations". Organ procurement organizations are added as recipients (Section 194.210).

Current law outlines the procedure for making an anatomical donation. New language allows minors age 16 or older to make an anatomical donation with parental consent. The consent must be noted on the minor's donor card, application, driver's license, or other gift document (Sections 194.220 and 194.230).

Portions of Section 194.233, RSMo, regarding hospital procedure during organ procurement are deleted. New language requires hospitals to comply with OPO requirements. This act also allows OPOs to engage procurement coordinators to assist in the recovery of donated organs (Sections 194.233 and 194.240).

Current law creates the "Organ Donor Program Fund" for the purpose of organ donation awareness programs, as directed by the Organ Donation Advisory Committee. This act allows the Fund to receive gifts, grants, contributions, and other sources. Current law designates how money in the fund will be

#### DESCRIPTION (continued)

HW-C:LR:OD (12/01)

expended. This act adds promotion of the registry, organ donation programs, and minority or ethnic organ donation as allowable expenditures (Sections 194.297 and 194.299).

This act adds to the Advisory Committee two representatives from any federally certified OPO, one representative of an eye bank, one member of the hospital industry, the Director of the Department of Health and Senior Services or a designee and one representative of the Department of Revenue. Appointed terms are clarified. The Department of Health and Senior Services must provide internet access to the organ donor registry for authorized personnel. A report is due on the subject by January 15, 2003 (Section 194.300 and 194.302).

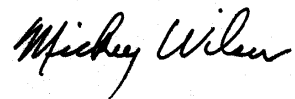
Current law outlines vehicle registration requirements. New language is added to allow applicants for registration to make a donation of \$1 to promote an organ donor program. The new language will become effective on July 1, 2003 (Section 301.020).

The procedure individuals must follow when applying for a Missouri driver's license is outlined in current law. This act provides that, upon renewal, the Department must ask if the applicant is interested in being on the organ donor registry and must inform the applicant about the ability to consent to organ donation on his or her driver's license. The Director must provide by rule the procedure and format for an applicant to indicate an anatomical gift on the back of a nondriver's license card (Sections 302.171 and 302.181).

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

#### SOURCES OF INFORMATION

Department of Insurance  
Department of Public Safety - Missouri Highway Patrol  
Department of Social Services  
Office of Attorney General  
Department of Economic Development  
Department of Health and Senior Services  
Department of Highways and Transportation  
Office of Secretary of State  
Office of the Governor  
Department of Revenue  
Office of State Treasurer  
Department of Elementary and Secondary Education  
Missouri Department of Conservation

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA  
Acting Director  
February 27, 2002